

ORIGINAL
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

2015 DEC 18 PM 12:06
 CLERK OF COURT

Marsha M. Davis

Plaintiff

4-15CV-959-0

v.

Civil Action No.

MHMR of Tarrant County

Defendant

COMPLAINT

It got worse around 08/01/2015 where my employer was discriminating against me not due to age, race, etc. However, discriminating and harassing me to where they were treating me unfairly and different from the other home managers. Also, holding me accountable in areas where they did not hold other managers accountable. It got to the point where they harassed me so much by phone and calling me constantly throughout the day where it was interfering with my actual work making it a hostile work environment. The harassing conduct was pervasive. Given the pervasiveness of unwanted attention by all the calls and text became extremely stressful and bothersome. I worked in and out of the office it was normal to have contact by phone but for some reason it became worse in August of 2015 when I had taken on being over 5 homes when other managers were over two. I exceeded expectations on my performance evaluation and on 08/14/2015 one of my group homes closed and they offered me the opportunity to sign up as manager at another home as If I was starting new employment with them. However, because of the treatment I was being subjected too I filed a complaint with Human Resources and Diane Ballard of HR cc'd my sup. in our confirmation email on 09/02/2015 of the complaint day and time I was meeting her 09/08/2015 @ 1pm after that I no longer received hardly any type of contact from my supervisor or the director from 09/02-09/08. After I had meeting with HR 9/8 my sup and director req'd a meet'g 9/9 felt like I was being interrogated because of the complaint i filed. 9/11/2015 they terminated me same week and reasons were false.

* Attach additional pages as needed.

Date 09/17/2015

Signature

Marsha M. Davis

Print Name

Marsha M. Davis

Address

7604 Craig St.

City, State, Zip

Fort Worth, Tx

Telephone

817-902-8299

I'm aware the Federal Law protects employees from retaliation when employees complain. Once I made the internal complaint with MHMR to the HR department about what I strongly believed to be workplace discrimination and harassment I was terminated within the same week. I have documentation that is in my favor and text messages from my supervisor showing the reasons I was terminated were all false such as her always given me praise. If my employer MHMR at the time thought that I was doing such a horrible job I would not have been offered continued employment with them on 08/14/2015 I have the documents. I would not have received a very good performance evaluation exceeding expectations.

I'm aware that retaliation is if I Marsha Davis complained and my supervisor's harassing conduct, attitude, or demeanor changed afterwards that the changes have an adverse effect on my employment then it's considered retaliatory. Besides the fact that shortly after filing a complaint I was terminated speaks for itself as well.



Please immediately complete this entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, within 180 days or in some places within 300 days of the alleged discrimination. When we receive this form, we will review it to determine EEOC coverage. Answer all questions completely, and attach additional pages if needed to complete your responses. If you do not know the answer to a question, answer by stating "not known." If a question is not applicable, write "N/A." (PLEASE PRINT)

1. Personal Information

Last Name: Davis First Name: Marsha MI: M.
 Street or Mailing Address: 7604 Craig St. Apt or Unit #:
 City: Fort Worth County: Tarrant State: TX Zip: 76112
 Phone Numbers: Home: () Work: ()
 Cell: (817) 902-8299 Email Address: marsha.raglin@gmail.com
 Date of Birth: 3-16-73 Sex: ☐ Male ☒ Female Do You Have a Disability? ☐ Yes ☒ No

Please answer each of the next three questions. i. Are you Hispanic or Latino? ☐ Yes ☒ No

ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaskan Native ☐ Asian ☐ White
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander

iii. What is your National Origin (country of origin or ancestry)? USA

Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:

Name: Keon Davis Relationship: Husband
 Address: 7604 Craig St City: Ft. Worth State: TX Zip Code: 76112
 Home Phone: (817) 489-9322 Other Phone: ()

RECEIVED
930

2. I believe that I was discriminated against by the following organization(s): (Check those that apply)

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify)

Organization Contact Information (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: MMML of Tarrant County
 Address: 3800 Hulen County: Tarrant
 City: Ft. Worth State: TX Zip: 76107 Phone: ()

Type of Business: non-profit Job Location if different from Org. Address: 3124 SE loop 820 Ft. Worth
 Human Resources Director or Owner Name: Diane Ballard (mgr) Phone: (817) 569-4442

Number of Employees in the Organization at All Locations: Please Check (✓) One

☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

3. Your Employment Data (Complete as many items as you are able.) Are you a federal employee? ☐ Yes ☒ No

Date Hired: 12-16-2014 Job Title At Hire: Group Home manager
 Pay Rate When Hired: 26,500 Last or Current Pay Rate: 27,500

Job Title at Time of Alleged Discrimination: Home manager Date Quit/Discharged: 9-11-2015

Name and Title of Immediate Supervisor: Michelle McCall Asst. Director

If Job Applicant, Date You Applied for Job Job Title Applied For

FOR EXAMPLE, if you feel that you were treated worse for several reasons, such as your sex, religion and national origin, you should check the box next to each reason. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check the box next to each reason. Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check the box next to each reason. all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☐ Race ☐ Sex ☐ Age ☐ Disability ☐ National Origin ☐ Religion ☒ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; circle which type(s) of genetic information is involved:
i. genetic testing ii. family medical history iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: _____

If you checked genetic information, how did the employer obtain the genetic information? _____

Other reason (basis) for discrimination (Explain): I was discriminated filed complaint same week

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.
(Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A. Date: 9/8/2015 Action: met w/ HR Diane Ballard to file a
complaint where I was being harassed & treated different
Name and Title of Person(s) Responsible: Michelle McCall Asst Director

B. Date: 9/19/2015 Action: Michelle & Grace Ward Director met w/ me
in Retaliation and then 2 days later fired me w/ false infraction
Name and Title of Person(s) Responsible: Michelle McCall - Asst Director Grace Ward

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

Because the month of Aug. 2015 they were treating
me horrible including harassing me by phone & text

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated better than you?

Full Name

Race, Sex, Age, National Origin, Religion or Disability

Job Title

Description of Treatment

A. _____

B. _____

they will say. (Please attach additional pages if needed to complete your response)

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Full Name Job Title Address & Phone Number What do you believe this person will tell us?

A. Virginia Wesley Residential Trainer 817-350-1586 she was always around but she has 19 yrs invested & know they always retaliate

B. _____

14. Have you filed a charge previously on this matter with the EEOC or another agency? ☐ Yes ☒ No

15. If you filed a complaint with another agency, provide the name of agency and the date of filing: n/a

16. Have you sought help about this situation from a union, an attorney, or any other source? ☒ Yes ☐ No
Provide name of organization, name of person you spoke with and date of contact. Results, if any?

I just briefly spoke w/ attorney's ofc
John E. Wall Jr. haven't consulted just asked questions

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

BOX 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

BOX 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Maisha Davis
Signature

9/18/2015
Today's Date

PRIVACY ACT STATEMENT: This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

- 1) FORM NUMBER/TITLE/DATE. EEOC Intake Questionnaire (9/20/08).
- 2) AUTHORITY. 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a)
- 3) PRINCIPAL PURPOSE. The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
- 4) ROUTINE USES. EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
- 5) WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION. Providing this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.

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I scheduled an appointment w/Diane Ballard at the end of Aug. 2015 scheduled for
Discrimination complaint that I was filing against Michelle and Grace on 9/8/2015 @ 2pm. So
Diane Ballard sends out an email on 9/2 or 9/3 and CC's Michelle Mccall on that email. When I
brought it to Diane's attention she claims she didn't try to and the after we had our meeting she
sends out another email for the same appointment that we had the previous day on 9/9 trying to
cover her basis. I knew she was giving them a heads up that I was filing a complaint against
them. She tried to lie but I'm well educated and I saw Michelle's name on that email but once
you accept it it goes to the calendar and I could not print it up for my records.

So after I had a meeting with HR then the following day I have a meeting on 9/9 with Michelle
and Grace basically interrogating me on everything questioning my mileage, my mileage has
never been an issue matter of fact they have never ever questioned any other home managers
about their mileage. They even went as far as pulling up mileage details on the Ford focus that
belongs to one of the units claiming that I lied and drove that vehicle when in reality we were in
2 vehicles because I met the person who helped me shop at the grocery store.

Michelle lied on everything is the bottom line they started my termination or write ups for the
month of May the same month I started my complaint on. They are retaliating I have never been
written up for any of the false infractions. Even with missing the meetings I couldn't make the
meetings and had informed Michelle they had a meeting at the last minute and informed me
while it was going on and I was already busy. Besides that other home managers barely show up
for meetings and have never been written up. They were looking for something since they knew I
was filing a complaint and lied threw their teeth. Even about the guys glasses. I had taken them
to get there eye glasses and made their appointment in April 2015 I didn't find out there were
broke until 8/12/2015 2 days before they moved out. I did inform the foster parent so that she
could take them to get fixed or new ones. By then I was so busy helping them to pack and move I
had no time to get them repaired.

The employer harassed me excessively for the month of August calling and texting me
constantly for the entire month and only basically stopped when Diane Ballard CC'd Michelle
and probably Grace in the harassment complaint I was filing. Not only did they stop with the
calls basically Grace Ward wouldn't even speak with me in person on 9/3 I went into her office
where she always had her door open when she wasn't busy or in a meeting and she said I can't
talk to you. I knew exactly why she had said that because of my meeting w/HR that was coming
up on 9/8.

Bottom line they were trying to hold me accountable for things where they didn't hold others
accountable for such as if I missed a call 1 home manager never answered or replied to text
messages, if I was busy and couldn't make a meeting 1 home manager hardly ever attended and
we have sign in sheets to verify, grocery shopping when there were others who could have done
it for instance the home manager herself before she was allowed to leave not even shopping for
either of her homes because she had 1 doctor appointment or her staff generally the homes have
staff who help w/the grocery shopping even if they didn't have a P-Card (credit card) I didn't
either at the time. I was already super busy closing up one home getting clients packed and
moved and then emptying apartment getting furniture moved and food and items packed then
clean all I did by myself. On top of that I was working at the Respite facility shopping, direct

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care, cleaning, and cooking on top of keeping up w/the Fenton home I had just agreed to take over as the home manager. If I was during such a poor job why did they just have me sign paperwork to be the home manager for that home after the Woodway II home closed they could have just terminated my employment not offering me additional employment. I almost turned down the offer because of the mistreatment they put me through but I did need my job I have responsibilities. I had never missed any doctor appointments in fact I was the one who scheduled and took the clients to the doctor's appointments. Michelle said something about me not making the guys a eye doctor appointment for broken glasses I believe 05/2015 well their glasses weren't broke and I had just picked up their glasses 04/2015 and picked up a week or two later when they was ready which was in 05/2015 or close to May. Second they didn't break there glasses until a couple days before they moved out and into the Foster home they moved 08/14 and I found out about the broke glasses I believe 08/12 or 08/13/2015. Michelle never really dealt with the clients saw or spoke to them so I'm not even sure where she even came up with the glasses being broke months before if anyone would have known it would have been me because I saw them on a daily basis.

They also brought up something about me not being at the homes saying that I was not present when they went on the dates they went I was out with the clients and on several of the occasions I was right there at the office. It has been numerous occasions they were texting me and I was right there in the office still for instance on 9/11/2015 I was in the office with Sharon Washington a Case Manager and Michelle McCall had sent me 2 text messages before her and Grace realized I was right there the whole time and that was not the first time that has happened I was either in an office speaking w/someone else or on the computer. Second I never told Michelle McCall that I was eating and not returning to work at 1pm. However she did call me at 4:58pm on 8/31 I informed her I was eating that I hadn't ate all day I was done for the day besides that I had been at work since 8 am and we get no lunch so I had just put in about 9 hours as far as the day she is talking about I have no clue what she's talking about I have never told her I was done for that day or any other day. Before the month of August this has never even been an issue. Also on 8/25 I told her I'd bring her some receipts that were due the following day I had sent her a text about 4:11pm telling her I was exhausted and about to get something to eat think I end up wrapping it up about 4:30pm again starting that day off about 6 or 8 am which gives me 8.5+ hours. Actually the last 2 weeks in August I began almost every morning around 6 am throughout the week cause I was relieving the Respite staff and generally stayed at the Respite facility until I was relieved or done w/my work getting off anywhere from 4-6pm. Needless to say I had put in way more than enough time each day no one else was ever questioned about where they are, what they are doing, who was there while they was doing it, and having daily pop up visits on them. It was to the point where after all this time with them they were trying to trap me by demanding only me out of all the home managers to start putting myself and time on the schedules. If requested copies of all the home managers schedules Michelle McCall keeps them on her desk in her office and I know of maybe only one person who puts herself on the schedule and she has been known not to be around in the home or nowhere around her name is Shantel Waldrup she gets favoritism why I don't know cause she does a horrible job her homes have the highest turnover and majority of her staff is not satisfied.

My performance has always been great, my attendance is better than anyone else as far as actually being out working the homes.

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They even went so far to say that I falsified mileage documents which I didn't. The day in question I met one of the staff at the grocery store she was in the Respite Car and I was in mine. Anyway my mileage has never been questioned and what would even make them pull up the GPS records this shows how they were really searching for something anything. One of the long term home managers Diane Norwood has been with them 30 years says she's never heard of them doing anything like this to anyone in dealing with the mileage. Her mileage is more than mines on a bi-weekly basis and I have heard she doesn't even make appearances at her homes weeks at a time so say her own staff. So why isn't her mileage being questioned.

I am really clueless what went wrong I even asked if I had done something several times to Michelle McCall the last time was on 9/3 and she said no you've done everything I've asked you to do which is the same day I tried speaking with Grace and she turned me away saying she was busy. Everyone knows that when Grace Ward is busy she will close her office door. Besides when I went in she wasn't doing anything sitting there in front of her computer she didn't even have any particular email opened but it was on her Outlook.

I only know of 1 person maybe 2 that may speak about what I had been through. 1 for sure because she feels she's being retaliated against also and has also witnessed all the calls and harassment that they have subjected me too. Most are afraid because they are up in age and have decades invested in the company and know they are big at retaliation but I refuse to let it go even if this doesn't go anywhere. But I know my rights have been violated, I have been targeted discriminated harassed retaliated and wrongfully terminated.

I have kept track of some incidents on my calendar and in my little notebook as well as what I feel maybe some supportive documentation. I'm waiting for 1 week to go by to request a copy of the recording from my complaint w/HR on 9/22 and 2 weeks on 9/25 before I can get a copy of the tape where I was wrongfully terminated. I have numerous text messages and my call log shows harassment if you compare to the other home managers I'd receive 3 or more a day and they'd receive maybe 1 call a week if that.